THE HONL'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO.24372 of 2000

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DATED 28.12.2006

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Between:

L.Shankar Kumar. .. PETITIONER

versus

The Director of Municipal Administration,

A.P., B.R.K.R. Buildings, Tank Bund,

Hyderabad and two others. .. RESPONDENTS

WRIT PETITION NO.24372 of 2000

ORDER:

The Writ Petition is filed for a Writ of Mandamus declaring the inaction on the part of respondents 1 and 2 in not taking action against 3rd respondent as unconstitutional and illegal and consequently direct respondents 1 and 2 to initiate appropriate action against 3rd respondent as per the provisions of law forthwith and pass such other suitable orders.

2. This Court issued Rule Nisi on 12.12.2000 and made an order of interim direction in WPMP No.31124 of 2000 directing to dispose of the representation dated 17.3.2000 made by the petitioner and pass appropriate orders within a period of two weeks from the date of receipt of a copy of the order.

3. It is stated in the affidavit filed in support of the Writ Petition that the petitioner is an Advocate by profession and the 3rd respondent and the then Chair Person indulged in financial irregularities. It is also further stated that the petitioner gave a representation to respondents 1 and 2, but the preliminary enquiry report was not revealed and the petitioner also issued contempt notice and his latest representation is dated 17.3.2000.

4. In the counter affidavit filed by 1st respondent, the representation made by the

petitioner had been referred to and various steps in this regard also had been narrated in detail. Writ Petition Nos.15576 of 1999 and 2330 of 1999 also had been referred to. Specific stand is taken that on examination it was found by the Government that no allegations had been proved against the Municipal Commissioner, Ichapuram. It is also stated that there are no findings against the Municipal Commissioner-3rd respondent as per the report of the Regional Director-cum-Appellate Commissioner of Municipal Administration-2nd respondent, vide his report Lr.Roc.No.796/99/A4, dated 1.5.1999, and in such circumstances it is stated that it is not possible to initiate any action against the Municipal Commissioner, Ichapuram in the matter.

5. In the light of the facts and circumstances explained in detail, this Court is of the considered opinion that the stand taken by the 1st respondent in the counter affidavit is a justifiable stand. Even otherwise, if the petitioner is aggrieved of any subsequent events, in the light of the peculiar facts and circumstances, the petitioner is given liberty to make appropriate representation in this regard. Except making this observation, nothing else can be done.

6. Writ Petition is disposed of accordingly. No costs.

28.12.2006

SSR